

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

THOMAS J. MASON,	)	
	)	FILED: MAY 20, 2009
Plaintiff,	)	09CV3060
	)	JUDGE LEFKOW
v.	)	MAGISTRATE JUDGE SCHENKIER
	)	BR
ARTHUR B. ADLER & ASSOCIATES, LTD.,	)	
	)	
Defendant.	)	

**COMPLAINT**

**INTRODUCTION**

1. Plaintiff Thomas J. Mason brings this action to secure redress against unlawful credit and collection practices engaged in by defendant Arthur B. Adler & Associates, Ltd.. Plaintiff alleges violation of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. (“FDCPA”). The FDCPA broadly prohibits unfair or unconscionable collection methods; conduct which harasses, oppresses or abuses any debtor; and any false, deceptive or misleading statements, in connection with the collection of a debt; it also requires debt collectors to give debtors certain information. 15 U.S.C. §§1692d, 1692e, 1692f and 1692g.

**JURISDICTION AND VENUE**

2. This Court has jurisdiction under 28 U.S.C. §§1331, 1337 and 15 U.S.C. §1692k (FDCPA).

3. Venue and personal jurisdiction over defendant in this District is proper because defendant is located here.

**PARTIES**

4. Plaintiff Thomas J. Mason is an individual who resides in Lake County, Illinois.

5. Defendant Arthur B. Adler & Associates, Ltd. is a law firm organized as a professional corporation with offices at 25 E. Washington, Suite 500, Chicago, Illinois 60602.

6. Defendant Arthur B. Adler & Associates, Ltd.'s practice involves the regular collection of debts owed to others and incurred for personal, family or household purposes.

7. Defendant Arthur B. Adler & Associates, Ltd. is a "debt collector" as defined in the FDCPA.

### **FACTS**

8. On or about March 1, 2009, defendant Arthur B. Adler & Associates, Ltd., caused a summons and complaint to be served upon plaintiff in Long Grove, Illinois, in Lake County.

9. The lawsuit was filed in the Circuit Court of Cook County.

10. The lawsuit had been filed on March 9, 2007, but the summons had been returned not served. No further effort was made to again serve plaintiff until November 20, 2008, and plaintiff did not learn of the lawsuit until about March 1, 2009.

11. Thomas J. Mason did not reside in Cook County at any time in 2007, 2008, or 2009.

12. The action was not based on a written contract, much less one signed in Cook County.

13. Plaintiff was required to retain counsel and incur expense to defend the lawsuit.

14. The lawsuit was nonsuited when plaintiff retained counsel.

**VIOLATION ALLEGED**

15. By taking legal action in Cook County when plaintiff neither resided in Cook County nor signed a written contract in Cook County, defendants violated 15 U.S.C. §1692i, which provides:

**§ 1692i. Legal actions by debt collectors [Section 811 of P.L.]**

**(a) Any debt collector who brings any legal action on a debt against any consumer shall--**

**(1) in the case of an action to enforce an interest in real property securing the consumer's obligation, bring such action only in a judicial district or similar legal entity in which such real property is located; or**

**(2) in the case of an action not described in paragraph (1), bring such action only in the judicial district or similar legal entity--**

**(A) in which such consumer signed the contract sued upon; or**

**(B) in which such consumer resides at the commencement of the action.**

**(b) Nothing in this subchapter shall be construed to authorize the bringing of legal actions by debt collectors.**

WHEREFORE, plaintiff requests that the Court enter judgment in favor of plaintiff and against defendants for:

- a. Statutory damages;
- b. Attorney's fees, litigation expenses and costs of suit;

c. Such other or further relief as the Court deems proper.

s/Daniel A. Edelman  
Daniel A. Edelman

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**NOTICE OF LIEN AND ASSIGNMENT**

Please be advised that we claim a lien upon any recovery herein for 1/3 or such amount as a court awards. All rights relating to attorney's fees have been assigned to counsel.

s/Daniel A. Edelman  
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